

NO. 05-21-00360-CV

**IN THE FIFTH COURT OF APPEALS
AT DALLAS, TEXAS**

FILED IN
5th COURT OF APPEALS
DALLAS, TEXAS
1/21/2022 2:10:30 PM

LISA MATZ
Clerk

MOLLY L. WILKERSON,

Appellant,

v.

MARK MALDONADO,

Appellee.

On Appeal from the 366th District Court, Collin County, Texas
Hon. Tom Nowak, Presiding
Cause No. 366-51795-2021

**APPELLEE'S FIRST MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

TO THE HONORABLE COURT OF APPEALS

Appellee, Mark Maldonado, files this Appellee's First Motion for Extension
of Time to File Brief and respectfully show the Court the following:

I.

CERTIFICATE OF CONFERENCE

On January 18, 2022, the undersigned counsel emailed Ms. Molly Wilkerson
asking for agreement to this extension request. Ms. Wilkerson replied that she

opposes the filing of this extension request and, “if you do, I will report you to the State Bar.”

II.

REASONS FOR EXTENSION

The Court’s public online register now shows that Appellee’s Brief was due on December 29, 2021. There is no due date shown on the Attorney Portal. It is unclear why the Court set a date for the brief to be due, since it had sent a letter to Appellant on December 8, 2021, ordering her to correct the brief that she filed on November 29, 2021. She has not yet done so.

If the Court expects Appellee to respond to the portion of that uncorrected brief that addresses the vexatious litigant ruling that is the subject of this appeal, Appellee requests an extension of thirty days from the date of this motion to do so. That would put his brief due on February 20, 2022. Appellee has had no previous extensions.

Appellee is only asking for thirty days at this time, but a further extension may be needed because a complete reporter’s record is needed for the three related appeals. The records for the SAPCR appeal (No. 05-21-00242-CV) and the Protective Order appeal (No. 05-21-00373-CV), as well as the record for this appeal from the order Declaring Molly Wilkerson a Vexatious Litigant are

necessary for the Court to review the reasons the trial court made the vexatious litigant declaration.

Very limited excerpts of the reporter's records have been filed, pursuant to Appellant's request. On December 9, 2021, the Court entered an Order notifying Appellant that she would be required to pay for any additional excerpts requested by Appellant, and that if she did not pay for such additional excerpts, the Court would consider that such omitted excerpts of the Reporter's Record would have supported Appellee's briefing on any evidentiary issues. The court reporter informed the Court on January 11, 2022, that Appellant declined to pay for the remainder of the records, which Appellee had notified the Court that he needed.

On January 18, 2022, the Court entered an order vacating its previous order dated December 9, 2021, stating that *Appellee* must pay for the additional portions of the reporter's record needed to respond to Appellant's Brief. In its Order of January 18, 2022, the Court also ordered the court reporter, Antoinette Varela to file, "**WITHIN THIRTY DAYS** of the date of this order, either the additional reporter's records requested by appellee or written verification that appellee has not paid the fee for preparing those." However, in her letter of January 11, 2022, Ms. Varela, informed the Court that she will be on medical leave as of January 17, 2022, because she is having knee replacement surgery. Thus, it is highly unlikely that Appellee will be able to obtain his requested additional excerpts until Ms.

Varela returns from that leave. Appellee must have those additional excerpts in order to have a fair opportunity to prepare his brief.

Appellee also seeks an extension because other commitments of his appellate counsel that will prevent her from timely preparing the brief. These include a trial on January 28, 2022, in a Harris County case, a response to a petition for review requested by the Supreme Court of Texas, and a brief in the Fort Worth Court of Appeals, both due the first week of February.

Appellee seeks this extension of time so that justice may be done, not for purposes of delay. Appellee respectfully prays that the Court grant this motion and order that Appellee's Brief be due on or before February 19, 2021. Appellee prays for such other relief to which he may show himself justly entitled.

Respectfully submitted,



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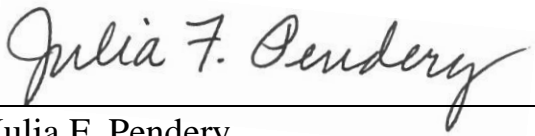
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ATTORNEY FOR APPELLEE

CERTIFICATE OF SERVICE

I certify that I designated that a copy of this Appellee's First Motion for Extension of Time to File Brief be served on Appellant through the Court's electronic filing system on January 21, 2022.

Ms. Molly Wilkerson
Appellant, Pro Se
Missmolly2020@aol.com



Julia F. Pendery

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Trechelle Andersen on behalf of Julia Pendery
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Status as of 1/21/2022 2:29 PM CST

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Associated Case Party: Mark Maldonado

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